

U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

ILENA H. MILLER,

Plaintiff,

Civil No. 06-632-JE

v.

MICHAEL J. ASTRUE,<sup>1</sup>  
Commissioner,  
Social Security Administration,

ORDER

Defendant.

---

HAGGERTY, Chief Judge:

On July 17, 2007, Magistrate Judge Jelderks issued a Findings and Recommendation in this action [12], in which the Magistrate Judge concluded that the Commissioner's findings,

---

<sup>1</sup> On February 12, 2007, Michael J. Astrue became Commissioner of Social Security and he should be substituted in these proceedings as such. 42 U.S.C. § 405(g); Fed. R. Civ. P. 25 (d)(1).

considering the record as a whole, are supported by substantial evidence. Accordingly, the Magistrate Judge recommended that the decision of the Commissioner be affirmed. Objections to the Findings and Recommendation were due by August 2, 2007. No objections were filed.

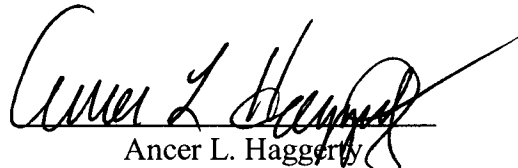
The matter is now before the court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b). A district court "may accept, reject, or modify, in whole or in part, the findings or recommendations" made by a magistrate judge. 28 U.S.C. § 636(b)(1). Within ten days of being served with a copy of the Findings and Recommendation, any party may file written objections and the court shall make a *de novo* determination of those portions of the Findings and Recommendation to which objections are made. *Id.* When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation of the Magistrate. *Thomas v. Arn*, 474 U.S. 140, 149-150 (1985); *Campbell v. United States District Court*, 501 F.2d 196 (9th Cir. 1974). No clear error appears on the face of the record, and the court adopts the Magistrate's Findings and Recommendation.

#### CONCLUSION

The Findings and Recommendation [12] is adopted in its entirety. The decision of the Commissioner is AFFIRMED.

IT IS SO ORDERED.

DATED this 15 day of August, 2007.

  
Ancer L. Haggerty  
United States District Judge